

The FBI will be undertaking a variety of evidence-preserving matters in Kosovo. They intend to establish the exact location of the crime scenes. They will photograph the scenes, the deceased victims, the evidence, map the crime scenes, collect the physical evidence related to indictments, examine victims for indications of the cause of death, indications of restraint and physical abuse, and preliminary identifications. They will collect appropriate samples from victims for possible future identification using DNA techniques. They will work on forensic and scientific investigations with the Armed Forces Institute of Pathology. I think this is very good news, acting as promptly as they are, moving in with very substantial equipment and personnel to undertake this important work.

The gathering of this evidence is indispensable for the trials. We have an opportunity here at the War Crimes Tribunal to establish an international precedent of tremendous importance for the future. It is the establishment of the rule of law in international matters to let any future Milosevics, who might be inclined to commit crimes against humanity, know they will be brought to justice, that there is an international rule of law. I believe the apprehension and trial of Milosevic himself is very important, because it will be the first time that a head of state will have been subjected to the criminal process.

I applaud what the Department of Justice is doing here. I applaud what the FBI is doing. I had an opportunity to discuss this matter yesterday with Director Freeh; I have talked to him from time to time. I think this very prompt action will be enormously important and instrumental in securing justice for the convictions of the people who are now under indictment.

I thank the Chair.

In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, on behalf of our distinguished majority leader, I ask unanimous consent that the period for morning business be extended until the hour of 2 p.m. under the same terms as previously submitted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair. Again, in the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE FARM CRISIS

Mr. DORGAN. This morning, as chairman of the Democratic Policy Committee, I convened a hearing on the farm crisis. About 10 to 12 of my colleagues came to the hearing. We had a number of family farmers from across the country testify.

We had Woody Barth, a farmer from Solen, ND, testify; Rob Lynch, a farmer from Zillah, WA; Glenn Brackman, a farmer from Lafayette County, AR. We had some folks from Illinois, Iowa, and Kentucky. We talked about the farm crisis and about public policies that ought to be employed by this Congress to respond to the farm crisis.

I pointed out that a lot of people are not aware of the farm crisis. It is probably a circumstance that farmers working in quiet desperation, many of them threatened with losing their farms, are going through a period that most Americans do not understand and don't know about.

Every day we hear the stock market is up or down, mostly up—the stock market has gone to 11,000, now back down a bit. But the fact is, this country generally hears good economic news about where the stock market is going, about new information technology, about the progress of new companies, about the new day, about the global economy. Yet the folks who stay at home and produce America's food on our family farms are in desperate trouble.

Wendell Barry, a farmer from Port Royal, KY, testified today. He is also an author, a wonderful guy, kind of a philosopher-writer type. He wrote some things. In fact, he has written a book called "Another Turn of the Crank."

I will read a couple things he has written that I think really bear on this issue. I do it in the context of the bill that is to be on the floor. We did have the agriculture appropriations bill on the floor of the Senate. It will come back, hopefully, as soon as an agreement is reached with respect to the Patients' Bill of Rights.

When it comes back to the floor, Senator HARKIN and I intend to offer an amendment similar to the amendment we offered during the emergency supplemental appropriations bill. That amendment lost on a 14-to-14 tie vote in the conference.

We also offered a proposal in the agriculture appropriations subcommittee. But this is the time, when the agriculture appropriations bill is

on the floor, for the Congress to decide what it will do with respect to emergency responses to the farm crisis.

There are some who might counsel we should do nothing, that it doesn't matter whether there are farmers in this country. They would say: Food will be produced anyway, and it doesn't matter much who produces it. We can farm America from California to Maine with corporate farms, and that is just fine.

I do not happen to share that view. I think that is a view that is devoid of all common sense. It suggests there is no worth and no value at all to the culture of family farming, that family farming doesn't contribute to our country, that the fact there are people living out on the land is irrelevant. The fact that those people combine to make small communities and build our main streets and build our churches and create good neighborhoods is irrelevant; that kind of investment and that kind of creation in our country doesn't count.

I guess those who think that way look through the lens of perhaps Wall Street or others who see only dollars and cents, only rows of columns. You add them up or you subtract them. You reach a balance, and that is the cost. It just eliminates, of course, the question of what is the value. Are family farmers contributing value to this country? Will the loss of family farmers matter to our country? The answer is yes on both counts.

Mr. Wendell Barry from Port Royal, KY, writes:

As we all know, we have much to answer for in our use of this continent from the beginning, but in the last half century we have added to our desecrations of nature a deliberate destruction of our rural communities. The statistics I cited at the beginning are incontrovertible evidence of this.

He cited statistics about the loss of farms, the depopulation of our farm belt, and so on.

But so is the condition of our farms and forests and rural towns. If you have eyes to see, you can see that there is a limit beyond which machines and chemicals cannot replace people; there is a limit beyond which mechanical or economic efficiency cannot replace care.

I am talking here about the common experience, the common fate of rural communities in our country for a long time. It has been, and it will increasingly be, the common fate of rural communities in other countries. The message is plain enough, and we have ignored it too long: the great, centralized economic entities of our time do not come into rural places in order to improve them by "creating jobs." They come to take as much value as they can take, as cheaply and as quickly as they can take it. They are interested in "job creation" only so long as the jobs can be done much more cheaply by humans than by machines.

Mr. Barry writes, about liberals and conservatives, an interesting admonition:

Long experience has made it clear—as we might say to the liberals—that to be free we

must limit the size of government and we must have some sort of home rule. But it is just as clear—as we might say to the conservatives—that it is foolish to complain about big government if we do not do everything we can to support strong local communities and strong community economies.

He is right about that.

We must decide as a Congress whether we are going to support America's family farms. I spoke at the hearing today, when I questioned the witnesses, about where I come from. I have told colleagues often about that. I come from a rural county in southwestern North Dakota that is the size of the State of Rhode Island. That county had 5,000 people when I left, and there are now 3,000 people living in that county. The county next to it is about the same size and there are 900 people living in that county.

We are fast depopulating rural America. Rural economies in small towns are shrinking like prunes. We now have prices for commodities, when the family farmer raises a crop and hauls it to the market, that are deplorable. The family farmer is told when he or she takes a truckload of wheat to the country elevator—the grain trade says: This doesn't have value. The food you produce is not of great interest to us. It is not worth very much.

At the same time, we have people who come and testify before the Congress that the Sudan, for instance, old women climb trees to try to find leaves to eat. We know much of the world is hungry, and we also know that while much of the world is hungry, the grain market tells our farmers their food isn't worth very much.

Something is not connected there, and this Congress must try to reconnect it.

We only have two choices, it seems to me. One is an opportunity, on a short-term emergency basis, to pass an emergency farm bill. It seems to me the question for this Congress is: Are we going to pass a short-term emergency bill to try to help family farmers? Second, are we going to repair the farm program, and the trade agreements, and other things that conspire to injure family farmers?

On the first issue, Senator HARKIN and I intend to offer an amendment for \$5 billion to \$6 billion to try to provide short-term emergency help for family farmers on this agriculture appropriations bill when it is brought back to the floor. We will have a fight about that. I don't know how that will turn out. I hope Congress will say that family farmers matter.

It was interesting to me that when the President sent a request down for military aid to restore and refresh the accounts in the Pentagon for conducting airstrikes in Kosovo, Congress said to the President: No, you are wrong about that, Mr. President, you didn't ask for enough money. We insist that you give \$6 billion more. Mr.

President, you shortchanged us in your request for defense, so we are going to give you what you ask for and we are going to add \$6 billion more to your request for defense.

Well, gee, that came from conservatives. I hope those same conservatives will agree that the effort to save America's family farmers is as important. Don't tell me there is not money. There was money to say to the President we want to add \$6 billion above what the Pentagon said it needed. If there is money to do that, there is surely money to invest in family farmers in rural America. So my hope will be that we are able, on a short-term basis, to pass an emergency bill; and, second, having done that, we will then revisit the question of the underlying farm program.

This farm program is not working. It ought to be apparent to everyone. The farm program that the Congress passed essentially said let us do whatever the marketplace says ought to be done. But there is not a free market in agriculture. There is not now, and has not been, a free market in agriculture. Our farmers look at trade, and what they find is that markets are closed to them in many corners of the world. So we raise a product we want to sell overseas and the markets are closed. Or if you raise, for example, beef, you will discover not only are the markets closed in some areas, but in other areas, such as Japan, you will pay a 45-percent tariff to get American beef into Japan, only to find out that the Canadian beef—both live cattle and hogs, and slaughtered beef and hogs—coming down is increasing at a very rapid pace. So we have grain and livestock coming in undercutting our markets. We find foreign markets are not open to us, and we have all of these trade negotiators running around doing trade agreements that have undercut our agriculture producers.

We need a farm program that works and trades policies that make more sense than the current policies. I voted against NAFTA and the United States-Canada free trade agreement, and I voted against the GATT agreement. I did all of that because I think that, while we need expanded trade, we do not, and should not, embrace trade agreements that are fundamentally unfair to rural America.

I recall when I was on the House Ways and Means Committee and the United States-Canada free trade agreement came to the committee, and the Trade Ambassador, who I won't name—Clayton Yeutter—said to us that the trade agreement itself would not result in a massive flood of Canadian grain coming across our border. I said, well, I think it will, and you know it will. "Put it in writing," I said. The Trade Ambassador wrote to us on the committee guaranteeing that it would not happen. It wasn't worth the paper it was written on.

It happened, and it happened quickly. Not only did it happen—massive quantities of durum and spring wheat came across our border flooding our market, undercutting the market for American farmers—but we were then neutered in our ability to respond to it because he also traded away the remedies. So we didn't have a remedy for it.

That was in the United States-Canada free trade agreement. That passed the House Ways and Means Committee 34-1. I was the one. I didn't feel lonely a bit because I knew exactly what was going to happen with the agreement. Farmers' interests were traded away. In my judgment, we ought not accept trade agreements like that, whether it is United States-Canada, NAFTA, or GATT.

Speaking of NAFTA, after the United States-Canada free trade agreement, they negotiated NAFTA. The economists were telling us what a great deal it was. After the trade agreement with Canada and Mexico, the trade surplus we had with Mexico turned into a big deficit in a short time. The trade deficit with Canada doubled in a short time. Instead of creating new jobs in this country, we lost massive numbers of jobs. All these economists who were predicting 300,000 jobs were just fundamentally wrong. We lost a lot of jobs as a result of that.

They said if we just pass these agreements, we will get from Mexico the product of low-skill wages. Do you know what we got? The three biggest products coming in from Mexico are automobiles, electronics, and automobile parts—all products of high-skilled labor. We now have more automobiles imported into this country from Mexico than the United States exports to all the rest of the world. That is what we got with NAFTA—again, undercutting our interests, hurting a lot of producers in this country, and especially injuring family farmers.

Well, the point I am making is this: We had testimony this morning from folks who came from across the country to say we have a very serious problem in rural America. We can't fix that problem on a partisan basis. We need Republicans and Democrats together to agree that, No. 1, there is a farm crisis, and, No. 2, they are willing to do something about it, to respond on an emergency basis, and then to repair a farm program that is fundamentally deficient, which doesn't value family farming, a farm program that says it doesn't matter who farms. That, in my judgment, misses a lot of what is important in American life.

My hope is that in the next couple of days, as we offer amendments—Senator HARKIN, myself, and others—on an emergency basis, we will be able to strike a bipartisan agreement to do the right thing on behalf of family farmers. I know that it is a message that some get tired of hearing, perhaps, but I

come from farm country and I care a lot about what is happening out in our part of the country.

North Dakota is a wonderful State. It has a lot of rural counties, and the fact is that not just family farmers but machinery and equipment dealers, Main Street businesses, and so many other people are suffering so much through this economic distress, even at a time when the rest of the country seems to be doing so well.

I had a letter from a young boy who talked about the distress his folks were going through while trying to hang onto their family farm. He said: My dad can feed 180 people, and he can't feed his family. He was talking about the fact that the family farm is so productive in this country, and they are losing so much money. You hear this over and over again.

This Congress, it seems to me, must respond. We are going to try to force that response, first with respect to the underlying agriculture appropriations bill with an emergency package, and, second, hopefully, to revisit and readdress the entire structure embodied in the underlying farm bill.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent to address the body for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE PATIENTS' BILL OF RIGHTS

Mr. SCHUMER. Mr. President, I am here, of course, to discuss what many of my colleagues have discussed in the past—the need for us to debate totally and openly the Patients' Bill of Rights. It is an issue of great concern to the people of my State. Everywhere I go—urban, rural, suburban—people are asking: What is happening to the Patients' Bill of Rights?

This is an issue many of us have discussed. I know this body debated it for a little while last year, but, unfortunately, things were left unresolved. It has not been left unresolved for the millions of Americans who are now having their medical policies dictated, not by their doctor, not by their nurse, not by their family, but rather by some unknown bureaucrat who has no medical education but is simply part of an HMO.

When you go to hospital after hospital throughout the State of New York and sit with doctors, you see the frustration in their eyes as they tell

you story after story. They have been negotiating with these actuaries. They say to the actuary: Are you a medical doctor? How can you tell me the patient does not need this type of operation or this type of medication? They get no good medical answers. To them, it is similar to going to medical school and spending years of internship and residency and it makes very little difference.

For that reason, our health care system—by the way, I give good marks to our health care system. It has been overwhelmingly successful. The average age of Americans is higher than ever before. Not only do we live longer but we live healthier longer.

I look at my parents. Thank God. Praise God. Just last week each of them had a birthday. One is 76 and one is 71. My dad has had a few health mishaps, but he is in good health. It is in part because of our medical system. But we have been losing so many of these benefits in the last several years, because the pendulum has swung too far in the direction of the HMOs. We find more people who have had no training in medicine overruling doctors in medical procedures, because the book of standard operating procedures dictates the limited number of options. We don't want that. Most Americans don't want it.

That is why we need to debate this Patients' Bill of Rights. We need to debate its scope: Should it cover only 50 million Americans, or should it cover closer to 150 million Americans? We need to debate its provisions: How long a review process should there be? Should it be internal or external? Should an HMO be allowed to have the last word on a life-or-death procedure that the physician believes is very much needed? Should there be a gag rule? Should physicians be ordered not to tell their patients about certain procedures or certain medications that are available? Should women have the right to choose their obstetrician and gynecologist who is often their primary care physician?

These are all important issues. I know there are Members on the other side who talk about freedom of choice. People talk about costs. I don't agree with those arguments, but I would certainly like to debate them in this distinguished Chamber.

I ran, as I know you did, Mr. President, and many others, for the Senate from the House because I thought that we would have the opportunity to debate the great issues. There was certainly no guarantee that we would win. There was certainly no guarantee that my beliefs would prevail. But I thought there was something of a guarantee—that the wide open debate the Senate has been known for for over 200 years would be guaranteed even to somebody who sits way over in this corner of the Chamber, which means you are a fresh-

man at the bottom of the seniority pecking order. It hasn't happened.

The reason this floor is silent right now, and the reason we are not debating other bills, is that many of us believe strongly we should debate the Patients' Bill of Rights. But we also believe the ability to debate issues of importance to us—that has been a hallmark of this body—should not be extinguished, should not be snuffed out.

I would like to know answers to certain things. I would like to know answers to the kinds of examples I have heard about in my State and throughout the country.

I would like to know, for instance, what happened to a woman who had terrible back pain and required two surgeries to repair her spine. The HMO denied coverage for the \$7,000 for the second surgery. The doctor then stated to the woman that he would be committing malpractice if he didn't perform the second operation, because the whole procedure entailed two of them; the HMO said one. The patient offered to pay out of pocket. Both surgeries were done. But in this case the surgeon—a very generous person—declined to take the money from the woman. Why did that happen? Why did this physician believe so strongly that the woman needed the second surgery that was denied by the HMO?

How about an incident where a New York man slipped and cracked his skull as he was getting out of the taxi? The taxi driver called 911. The victim was rushed to an emergency room for treatment. But this episode did not have prior authorization as an emergency, so the HMO refused to pay the bill.

Again, what has happened here? Have we become so bureaucratic and so narrow in the way we practice health care in America that common sense has been thrown out the window?

Another example: An HMO denied another New Yorker who suffered from multiple sclerosis physical therapy despite the opinion of the doctor and the neurologist that this was the only way this patient could recover.

Another example: A mother called her HMO at 3:30 a.m. to report that her 6-month-old boy had a fever of 104 degrees and was panting and was limp. The hotline nurse told the woman to take her child to the HMO's network hospital 42 miles away, passing several closer hospitals. By the time the baby reached the hospital, he was in cardiac arrest and had already suffered severe damage to his limbs. As a result, both his hands and legs had to be amputated. The court found the HMO at fault. The family received a large financial settlement. As sure as we are here, that family would give back every nickel and pay more for that not to have happened.

These are not isolated examples. There are so many that it is hard to go through our jobs as Senators of the 50